

One sleeps; one waits, light of heart,
Who takes up to her breast and laughs goodly;
One, slowly as ice, in her white room doth lie,
And she who lives she never lets depart!
—Arthur Stringer in *Albion's Magazine*.

Stackpole's Stump Fence

Old Cyrus' Lucky Escape From
the Recall of His Own Fate.

BY JAMES BUCKHAM.

"I don't see but what you will just have to submit, Cyrus," said Colonel Bowker. "The law seems to be pretty clear on the subject. When the state grants a railroad a charter and a town grants it the right of way, the railroad company can take at a fair appraised value any property lying in the line of its survey, provided the owner refuses to sell at an agreed price. That covers the facts in this case. You refuse to sell the company a strip on the south side of your orchard. The state says to the company, 'We give you the right to appropriate that land at our appraisal.' It's no use for the owner to protest. The law can do nothing for him. If there was a ghost of a chance to fight, Cyrus, I'd be glad to do what I could for you. But a lawyer can't do anything when there's no law on his side."

Colonel Bowker tipped his chair back and threw one leg over the corner of his littered table. An old man, trembling with impotent rage, sat in a rickety armchair on the other side of the table. His chin quivered and his thin lips kept opening and shutting as the senior village lawyer spoke.

"Then of the law can't do anything for me I'll do it for myself," cried the old man, bringing his withered fist down on the arm of the chair. "I'll see if a man kin be robbed of what's be'n his'n for 50 year and be'n in the family for more'n a hundred!"

"I hope you won't do anything rash, Cyrus," said the colonel blandly. "It's a case where the welfare of the many overrides the welfare of the individual, you see. The law provides no recourse for the individual in such a case."

"I got done with the law, I tell ye!" shouted the old man fiercely. "I'm dependin on myself now. I said of the law couldn't help me I'd help myself. I'll see if they kin run their consarned trains through my orchard without my permission. A man's property's his own. The ain't no law that kin knock that fact out o' the Ten Commandments."

Colonel Bowker accompanied his state client to the door. "Better be cautious, Cyrus," he said as the old man plunged down the steps. "Don't do anything in a hurry. Take time to think it over. And remember that I am always ready to advise you on any point that may come up."

Cyrus Stackpole drove home in a blind rage. He was one of those old men who are as set as the everlasting hills, and the fact that everything seemed to be arrayed against his will in this instance only served to make his resolve the stronger. He was bound and determined that the new railroad should not pass through his orchard. There was no particular reason why it should be denied this right of way except that Cyrus had taken a notion not to allow it. The trees in the orchard had been set out by his father's father, and their knotted and wrinkled trunks and limbs had long since passed the age of fruit bearing. They only served to cumber the ground, but Cyrus would not cut them down and plant new ones. They were a part of the old order of things, and Cyrus was a conservative of the conservatives. A peck of bitter, worm eaten windfalls from the old trees was more to him, like than a bushel of sound and toothsome fruit from younger and more vigorous stock. That the pert modern railroad should desecrate his venerable orchard was not to be endured. It went against the old man's grain, and that grain was exceedingly tough.

As it happened, however, Cyrus Stackpole fell into the clutches of a severe attack of inflammatory rheumatism soon after his visit to Colonel Bowker's law office and about the time when the railroad men came to grade and prepare the roadbed across his orchard. The work was all done while the old man was groaning and fuming in bed, and by the time he got about again the ties and rails were laid through his orchard. Then the first train came along, roaring triumphantly and vomiting black smoke over what remained of the ancient apple trees.

Upon this Cyrus bestirred himself, though physical exertion still sent excruciating pains through his joints. The regular passenger train schedule had been in operation just a day when he began to do for himself what the law could not or would not do for him. At 3 o'clock on a Tuesday afternoon, his wife having driven to the village, Cyrus hitched up a yoke of oxen and began to drag stumps from the stump fence on the north side of the orchard to the railroad bed. He chose the largest and roughest and toughest stumps he could find and by 6 o'clock had a formidable fence built across the railroad on the exact boundary of his orchard. The roots of the stumps belied in the direction from which the next train would approach, the train from Wilmington, due to pass at 8 o'clock in the evening. Should a locomotive strike those formidable roots the butt of the stump would only be driven deeper into the ground. Something would have to stop or smash, and Cyrus felt confident that it would not be the stump.

It was several minutes past 8 when the horn blew for supper. Cyrus was

glad of the extra time and glad that his field of operations was hidden from the house by a rise of land. When he came slowly up from the orchard with the tired oxen, his wife met him at the back door.

"Here's a letter for ye," she said. "Supper's a little mite late, but the old mare limps so I couldn't git home as soon's I planned. Better read the letter 'fore ye set down to eat, hadn't ye?"

"No," answered Cyrus, limping to the barn with the oxen. "I'll keep until arter I've had a cup o' tea, I reckon." Cyrus Stackpole ate his supper deliberately and then sank into the old padded rocker by the window and opened his letter. Hardly had he commenced to read it when, with a startling cry, he sprang to his feet again and ran stumbling to the barn. Her husband's cry and sudden leap caused Mrs. Stackpole to drop a lot of plates she was carrying to the sink, but not even the terrific crash of broken crockery elicited the slightest attention from Cyrus. The letter had fluttered from the old man's hand to the floor as he ran, and Mrs. Stackpole stooped and picked it up with shaking fingers. Something in that letter, she knew, had caused her husband's sudden dismay.

She turned first to the signature. It was from Frank, their own dear boy, from whom they had not heard for two years and whom they had about given up for dead, since he disappeared in the Alaskan goldfields. He wrote:

Dear Father and Mother—I am coming home at last—a rich man! Have been out of the world, practically, since I wrote you last—living in a hut 200 miles beyond civilization. Will tell you all when I see you. Look for me next Tuesday evening. I learn that you have a new railroad now, and I can reach you by train the same evening I get to Wilmington. God bless you both! Lovingly,
FRANK.

What was there in that blessed letter that could have caused her husband such distress? Mrs. Stackpole wiped the tears of joy from her eyes and sped out to the barn.

"Cyrus," she cried, "what on air ye doing?"

Cyrus was hurriedly replacing the yoke on the necks of the weary oxen. His hands trembled. His face was over-spread with an ashen gray pallor.

"Git out o' the way!" he shouted as he lashed the oxen from the barn, the long chain that dangled from the yoke clattering behind. He caught a lantern from a nail and hurried after the startled and bewildered beasts.

"Where air ye going, Cyrus?" demanded his wife, following the distracted old man as he led the oxen over the crest of the hill to the orchard bars. Cyrus made no reply, and his wife followed him. Then she saw the bristling stump fence across the railroad, and the whole dreadful truth flashed upon her. Cyrus had built a fence to stop or wreck the next train, and that was the very train that Frank had written he should take from Wilmington!

The village station was a mile beyond the Stackpole farm. The train would not have even begun to slow down when it passed through the orchard. It was already getting dusk. It would be pitch dark by the time the train came along in just an hour.

Cyrus Stackpole never looked at his wife, but worked with feverish haste, and she did not interrupt him, for she knew that every moment was precious. The oxen strained mightily at the great stumps, but they were so crowded together and interlocked that it was hard to get them off the track. Cyrus had performed his defiant task unfortunately well.

"Light the lantern!" cried the panting old man at last. His wife took the match he fung her and kindled the slight flame in the dusty globe. Cyrus bent and adjusted the chain anew by the candle's feeble light. Then the oxen strained together once more, but the biggest stump of all would not move. The long, tough roots were wedged between and under the rails.

"God!" groaned the old man. It was the shortest of prayers, but it was a prayer and not an imprecation.

"Hark!" cried the trembling old wife. From far off through the darkness came a faint rumbling sound. It was the evening train from Wilmington!

"Cyrus," exclaimed the woman, "red light 'll stop 'em. I've heard so. Hain't we got anything to make a red light with? Quick!"

Cyrus disgorged the contents of all his pockets at one sweep. Among them was an old fashioned red bandanna handkerchief. His wife seized it, with a cry of joy, and, catching up the lantern, hastened down the track toward the approaching train. She turned up the wick of the lantern until it smoked furiously. Then she wrapped the red handkerchief around the globe, held the lantern up in both hands and slowly swayed it to and fro.

The train was almost upon her before the engineer saw the faint red signal. But the airbrakes did their magic work, and the engine stopped within 20 feet of the last huge, bristling stump of Cyrus Stackpole's fence across the railroad. Frank Stackpole was one of the first passengers to leap from the intercepted train.

"What in thunder—why, father's old orchard!" he exclaimed. "And here's mother!" He caught a tottering, gray haired figure in his strong arms. Mrs. Stackpole, like all heroines, had first accomplished her deed and then fainted away.

The railroad company did not enter a complaint against Cyrus Stackpole. His big, black bearded, healthy son may have had something to do with that and he may not. Very likely the unrestricted and undisturbed right of way through the old man's orchard was an inducement. At any rate, the matter was dropped, and Cyrus Stackpole proved to be so subdued in spirit that only two days after his stump fence disappeared from the track he rode through his own orchard on one of the detested trains on his way to Wilmington with his son to buy a brand new suit of clothes and "see the sights."—New York Evening Post.

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